

REMARKS/ARGUMENTS

Claim 1 has been amended by incorporating subject matter from claims 3 and 4 into it. Accordingly, claims 3 and 4 have been canceled.

New claims 12-23 have been added. New claim 12 is directed to subject matter previously in claim 11. New claims 13-23 are directed to the preferred ranges for compounds previously found in claim 1.

Claims 1, 2 and 5-23 are currently pending in this application.

The Office Action objected to claim 11 and rejected this claim under 35 U.S.C. §§101 and 112, second paragraph. Applicants respectfully submit that the above amendments to claim 11 have rendered these objections and rejections moot, and that the objections and rejections should be reconsidered and withdrawn.

The Office Action also rejected claims 1-10 under the judicially created doctrine of obviousness-type double patenting over a single claim, claim 13 of U.S. patent application serial no. 10/575,009. Although Applicants disagree with this rejection, solely to expedite prosecution in this case, Applicants will submit shortly a Terminal Disclaimer over the '009 application.

The Office Action also rejected claims 1-11 under 35 U.S.C. §103 as obvious over U.S. patent 6,284,684 ("Vignesoult"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

Initially, Applicants note that Vignesoult corresponds to PCT patent application publication no. WO 00/17117, which was identified on the international search report as an "A" reference indicating that it is not particularly relevant to the present invention.

Furthermore, as indicated at page 4, lines 14-16 of the present application, the compositions of the present invention possess remarkably improved behavior at very high temperatures.

To make even more clear that the claimed mineral wool differs from that in Vignesoult, Applicants have amended claim 1 to require the wool to comprise at least 2%, MgO when alumina is present in an amount of less than 22%. As demonstrated in the examples of the present invention, the combined amount of MgO and alumina is important to obtaining the improved behavior at high temperatures associated with the invention mineral wools. More specifically, comparative examples 1 and 2 in Table 1 of the present application do not contain the required amount of MgO in relation to alumina and, as explained at pages 14-15 of the present application, possess significantly inferior properties to the claimed mineral wools.

Stated another way, Vignesoult does not teach, suggest or recognize the result effective nature of the claimed relationship between alumina and MgO, so it would not lead one of ordinary skill in the art to the claimed mineral wools or any high temperature benefits associated therewith. It is only by virtue of the present application which discloses the result effective relationship between MgO and alumina that the present invention and associated benefits can be obtained.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

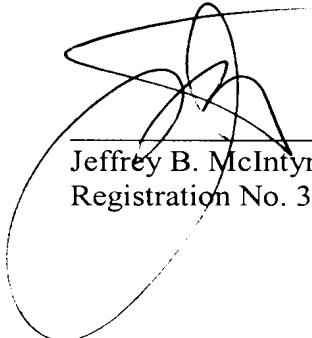
Application No. 10/574,605

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Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Jeffrey B. McIntyre
Registration No. 36,867

Customer Number

22850

Tel #: (703) 413-3000

Fax #: (703) 413-2220